IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIRST DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE K.C. BHANU**

**WRIT PETITION NO : 413 of 2005**

Between:

G. Anjaiah S/o Ramaiah
R/o Bellampally, Adilabad District

**..... PETITIONER**

AND

1. The Regional Transport Officer, Mancherial, Adilabad district
2. The Assistant Motor Vehicle Inspector, Mancherial, Adilabad District
3. The Station House Officer, Bellampally II Town Police Station,

Bellampally, Adilabad District

**.....RESPONDENTS**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction more particularly one in the nature of *Writ of Mandamus* declaring the action of the 2nd respondent in seizing and detaining the petitioner's vehicle bearing registration No. AP-1/T-8152 pursuant to the check report No. 1031757 dt 7-1-2005 without conducting any enquiry, as arbitrary and illegal and further direct the Respondents to release the vehicle forthwith to the petitioner herein.

**Counsel for the Petitioner: SMT.M.VINOBHA DEVI**

**Counsel for the Respondents: GP FOR TRANSPORT**

**The Court at the admission stage made the following:**

**ORDER:**

The petitioner has filed this writ petition seeking a direction to the respondents to release his Stage carriage vehicle bearing registration No. AP-1/T-8152.

2. The 2n d respondent- Asst. M.V. Inspector seized the petitioner's vehicle under check report bearing No.1031757, dated 07.01.2005 for violation of certain irregularities and kept the vehicle under detention at II Town Police Station, Bellampally for safe custody.

3. The learned counsel for the petitioner has contended that the petitioner is a poor educated un-employee and that he made a representation, dated 16-12-2004 to the 1st respondent requesting him to release the vehicle, but the 1st respondent refused to release the vehicle. Therefore, he prays to grant interim custody of the vehicle to the petitioner. The counsel has further contended that if any violations are made, the petitioner will be liable to pay the amount.

4. The learned Government Pleader for Transport has opposed the application filed by the petitioner on the ground that the petitioner has to approach the 1st respondent-Transport authority for grant of interim custody of the vehicle and appropriate orders have to be passed by the 1st respondent, but the petitioner, without approaching the 1st respondent has filed this writ petition.

5. As per the check report, dated 07.01.2005, the 2nd respondent seized the vehicle of the petitioner for violation of certain irregularities. Though it is asserted in the affidavit that the petitioner made a representation, dated 17.10.2005, the 1st respondent has not taken any steps for grant of interim custody of the vehicle since the vehicle is being used for the purpose of carrying the passengers. Therefore, it would be appropriate to direct the interim custody of the vehicle to the petitioner.

6 . In the light of the above circumstances, the 1st respondent-Regional Transport Officer, Mancherial is directed to release the vehicle of the petitioner for interim custody on condition of the petitioner depositing Rs.7,500/- (Rupees Seven Thousand Five Hundred Only) and on the following terms and conditions.

1. *that the petitioner shall not transfer the vehicle to any other person without the permission of the 1st respondent.*
2. *that the petitioner shall not change the engine or any part of the vehicle.*
3. *that the petitioner shall produce the vehicle as and when required by the authorities concerned.*
4. *that the petitioner shall participate in the enquiry that is going to be conducted by the 1st respondent after receipt of show cause notice by filing his explanation.*
5. *that the tax, if any, may be adjusted out of the amount deposited by the petitioner.*

The 2nd respondent may take further steps for recovery of the tax from the petitioner.

7. Accordingly, the writ petition is disposed of in terms of the above directions. There shall be no order as to costs.

_____

(K.C. BHANU,J)

Date: 01.02.2005.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Regional Transport Officer, Mancherial,

Adilabad district.
2. The Assistant Motor Vehicle Inspector, Mancherial,

Adilabad District
3. The Station House Officer, Bellampally II Town Police Station,

Bellampally, Adilabad District

4.Two CCs to G.P. for Transport, High Court Buildings, Hyderabad (OUT).

5.Two C.D. copies